

(4) “Avoid alcoholic beverages while taking this product. Do not take this product if you are taking sedatives or tranquilizers, without first consulting your doctor.”

(5) “Do not use [bullet]¹ with any other product containing diphenhydramine, even one used on skin”.

(d) *Directions.* The labeling of the product contains the following information under the heading “Directions”:

(1) *For products containing diphenhydramine hydrochloride identified in §338.10(a).* Adults and children 12 years of age and over: Oral dosage is 50 milligrams at bedtime if needed, or as directed by a doctor.

(2) *For products containing diphenhydramine citrate identified in §338.10(b).* Adults and children 12 years of age and over: Oral dosage is 76 milligrams at bedtime if needed, or as directed by a doctor.

(e) The word “physician” may be substituted for the word “doctor” in any of the labeling statements in this section.

[54 FR 6826, Feb. 14, 1989, as amended at 59 FR 16983, Apr. 11, 1994; 67 FR 72559, Dec. 6, 2002]

PART 340—STIMULANT DRUG PRODUCTS FOR OVER-THE-COUNTER HUMAN USE

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AUTHORITY: 21 U.S.C. 321, 351, 352, 353, 355, 360, 371.

SOURCE: 53 FR 6105, Feb. 29, 1988, unless otherwise noted.

¹ See §201.66(b)(4) of this chapter for definition of bullet symbol.

Subpart A—General Provisions

§340.1 Scope.

(a) An over-the-counter stimulant drug product in a form suitable for oral administration is generally recognized as safe and effective and is not misbranded if it meets each of the conditions in this part and each of the general conditions established in §330.1.

(b) References in this part to regulatory sections of the Code of Federal Regulations are to chapter I of title 21 unless otherwise noted.

§340.3 Definition.

As used in this part:

Stimulant. A drug which helps restore mental alertness or wakefulness during fatigue or drowsiness.

Subpart B—Active Ingredient

§340.10 Stimulant active ingredient.

The active ingredient of the product consists of caffeine when used within the dosage limits established in §340.50(d).

Subpart C—Labeling

§340.50 Labeling of stimulant drug products.

(a) *Statement of identity.* The labeling of the product contains the established name of the drug, if any, and identifies the product as an “alertness aid” or a “stimulant.”

(b) *Indications.* The labeling of the product states, under the heading “Indications,” the following: “Helps restore mental alertness or wakefulness when experiencing fatigue or drowsiness.” Other truthful and nonmisleading statements, describing only the indications for use that have been established and listed in this paragraph (b), may also be used, as provided in §330.1(c)(2), subject to the provisions of section 502 of the Act relating to misbranding and the prohibition in section 301(d) of the Act against the introduction or delivery for introduction into interstate commerce of unapproved new drugs in violation of section 505(a) of the Act.